

**-COMMITTEE ON LEGISLATIVE RESEARCH  
 OVERSIGHT DIVISION**

**FISCAL NOTE**

L.R. No.: 0874-01  
Bill No.: HB 253  
Subject: Regulates bail bondsmen  
Type: Original  
Date: February 2, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(less than \$100,000)	(less than \$100,000)	(less than \$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(less than \$100,000)</b>	<b>(less than \$100,000)</b>	<b>(less than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 4 pages.

**FISCAL ANALYSIS**

### ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol, Office of Prosecution Services, Office of the State Public Defender, Office of the State Courts Administrator, Office of the Attorney General**, and the **Department of Insurance** assume the proposal would not fiscally impact their respective agencies.

Officials from the **Springfield Police Department, Jefferson City Police Department** and the **Boone County Sheriff's Department** also assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY99 average \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY 99 average \$2.47 per offender, per day). Supervision by the DOC through probation or incarceration would result in some additional costs, but DOC officials assume that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

If long-range fiscal impact would prove to be an amount in excess of that which could be absorbed by DOC, any costs profiled in this fiscal note would be requested through normal budgetary request procedures for the time periods affected by passage of this legislation.

The need for additional capital improvements or rental space is not anticipated at this time. It must be noted that the cumulative effect of various new legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

### ASSUMPTION (continued)

**Oversight** assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>GENERAL REVENUE FUND</b>			
<u>Cost</u> - Department of Corrections Incarceration/Probation costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

#### FISCAL IMPACT - Small Business

This proposal could have a direct fiscal impact to small bail bonding businesses in the state with increased regulations.

#### DESCRIPTION

This proposal requires bail bond agents to notify and submit certified copies of all pertinent paperwork to local law enforcement officials prior to making or attempting an apprehension. Local law enforcement officials may accompany the agent. Violations of this section will be a class A misdemeanor for first offenses, a class D felony for subsequent offenses, and a violation of Section 374.755, RSMo. Bail bond agents who wrongfully cause damages to persons or property are liable for the damages, which may include punitive damages.

The proposal has a penalty provision.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Insurance

RAS:LR:OD (12/00)

Department of Public Safety - Missouri Highway Patrol  
Office of the State Public Defender  
Office of the State Courts Administrator  
Office of Prosecution Services  
Springfield Police Department  
Jefferson City Police Department  
Boone County Sheriff's Department

**NOT RESPONDING:**      **St. Louis Metropolitan Police Department**  
                                 **Kansas City Police Department**  
                                 **Cole County Sheriff**  
                                 **Jackson County Sheriff**  
                                 **St. Louis County Sheriff**

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA  
Director  
February 2, 2001